

SENATE BILL 942

E4

6lr2681
CF HB 1306

By: Senator Henson

Introduced and read first time: February 6, 2026

Assigned to: Finance and Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Assisted Outpatient Treatment – Surrender or Seizure of Firearms**

3 FOR the purpose of requiring a court, under certain circumstances, to order a respondent
4 who has been ordered to comply with assisted outpatient treatment to surrender to
5 law enforcement any firearm in the respondent's possession and not to purchase or
6 possess any firearm for the duration of the assisted outpatient treatment order;
7 establishing procedures related to the surrender or seizure of a firearm to law
8 enforcement under this Act; and generally relating to the surrender or seizure of
9 firearms by respondents ordered to comply with assisted outpatient treatment.

10 BY repealing and reenacting, with amendments,
11 Article – Health – General
12 Section 10–6A–02(b)
13 Annotated Code of Maryland
14 (2023 Replacement Volume and 2025 Supplement)

15 BY repealing and reenacting, without amendments,
16 Article – Health – General
17 Section 10–6A–08
18 Annotated Code of Maryland
19 (2023 Replacement Volume and 2025 Supplement)

20 BY adding to
21 Article – Health – General
22 Section 10–6A–08.1
23 Annotated Code of Maryland
24 (2023 Replacement Volume and 2025 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
26 That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Health – General

2 10-6A-02.

3 (b) This subtitle may not be construed to abridge or modify any civil right of the
4 respondent, including:

5 (1) Any civil service ranking or appointment;

6 (2) The right to apply for voluntary admission to a facility under § 10-609
7 of this title; and

12 10-6A-08.

16 (b) (1) If, after hearing all relevant evidence, the court finds by clear and
17 convincing evidence that the respondent meets the criteria for assisted outpatient
18 treatment, the court shall order the respondent to comply with assisted outpatient
19 treatment for a period not to exceed 1 year.

20 (2) The order of the court shall incorporate a treatment plan that:

21 (i) Is limited in scope to the elements included in the treatment plan
22 presented to the court under § 10–6A–06 of this subtitle; and

(ii) Includes only those elements that the court finds by clear and convincing evidence to be essential to the maintenance of the respondent's health or safety.

25 10-6A-08.1.

26 (A) IN THIS SECTION, "FIREARM" HAS THE MEANING STATED IN § 5-101 OF
27 THE PUBLIC SAFETY ARTICLE.

28 (B) (1) IF A COURT ORDERS A RESPONDENT TO COMPLY WITH ASSISTED
29 OUTPATIENT TREATMENT UNDER § 10-6A-08 OF THIS SUBTITLE, THE COURT SHALL
30 MAKE A DETERMINATION AS TO WHETHER THE RESPONDENT IS LIKELY TO
31 ENDANGER OR CAUSE PHYSICAL INJURY TO THE RESPONDENT OR ANOTHER IF THE
32 RESPONDENT HAS ACCESS TO A FIREARM.

5 (I) TO SURRENDER TO LAW ENFORCEMENT AUTHORITIES ANY
6 FIREARM IN THE RESPONDENT'S POSSESSION; AND

7 (II) NOT TO PURCHASE OR POSSESS ANY FIREARM FOR THE
8 DURATION OF THE ORDER REQUIRING THE RESPONDENT TO COMPLY WITH
9 ASSISTED OUTPATIENT TREATMENT.

10 (C) (1) IN ACCORDANCE WITH THE PROVISIONS OF § 1-203 OF THE
11 CRIMINAL PROCEDURE ARTICLE, ON APPLICATION BY A STATE'S ATTORNEY OR A
12 LAW ENFORCEMENT OFFICER WITH PROBABLE CAUSE TO BELIEVE THAT A
13 RESPONDENT WHO IS SUBJECT TO AN ORDER UNDER THIS SECTION POSSESSES A
14 FIREARM AND FAILED TO SURRENDER THE FIREARM, A COURT MAY ISSUE A SEARCH
15 WARRANT FOR THE REMOVAL OF THE FIREARM AT ANY LOCATION IDENTIFIED IN
16 THE APPLICATION FOR THE WARRANT.

19 (II) THE COURT MAY IMPOSE ANY REASONABLE SANCTION FOR
20 A VIOLATION OF ITS ORDER UNDER THIS SECTION.

21 (D) AN ORDER UNDER SUBSECTION (B) OF THIS SECTION SHALL EXPIRE
22 WHEN THE RESPONDENT IS NO LONGER SUBJECT TO AN ORDER TO COMPLY WITH
23 ASSISTED OUTPATIENT TREATMENT UNDER § 10-6A-08 OF THIS SUBTITLE.

24 (E) IF A RESPONDENT SURRENDERS A FIREARM UNDER SUBSECTION (B) OF
25 THIS SECTION, A LAW ENFORCEMENT OFFICER SHALL:

26 (1) PROVIDE TO THE RESPONDENT INFORMATION ON THE PROCESS
27 FOR RETAKING POSSESSION OF THE FIREARM; AND

31 (F) THE RESPONDENT MAY RETAKE POSSESSION OF A SURRENDERED
32 FIREARM AT THE EXPIRATION OF THE COURT'S ORDER UNDER THIS SECTION,

1 UNLESS THE RESPONDENT IS NOT OTHERWISE LEGALLY ENTITLED TO OWN OR
2 POSSESS THE FIREARM.

3 (G) NOTWITHSTANDING ANY OTHER LAW, A RESPONDENT MAY TRANSPORT
4 A FIREARM IF THE RESPONDENT IS CARRYING AN ORDER ISSUED UNDER THIS
5 SECTION AND:

6 (1) THE FIREARM IS UNLOADED;

7 (2) THE RESPONDENT HAS NOTIFIED THE LAW ENFORCEMENT UNIT,
8 BARRACKS, OR STATION THAT THE FIREARM IS BEING TRANSPORTED IN
9 ACCORDANCE WITH THE COURT'S ORDER; AND

10 (3) THE RESPONDENT TRANSPORTS THE FIREARM DIRECTLY TO THE
11 LAW ENFORCEMENT UNIT, BARRACKS, OR STATION.

12 (H) (1) A LAW ENFORCEMENT OFFICER WHO TAKES POSSESSION OF A
13 FIREARM IN ACCORDANCE WITH AN ORDER UNDER THIS SECTION SHALL, AT THE
14 TIME THE FIREARM OR AMMUNITION IS SURRENDERED OR SEIZED:

15 (I) ISSUE A RECEIPT IDENTIFYING, BY MAKE, MODEL, AND
16 SERIAL NUMBER, ALL FIREARMS THAT HAVE BEEN SURRENDERED OR SEIZED;

17 (II) PROVIDE A COPY OF THE RECEIPT TO THE RESPONDENT;

18 (III) RETAIN A COPY OF THE RECEIPT; AND

19 (IV) PROVIDE INFORMATION TO THE RESPONDENT ON THE
20 PROCESS FOR RETAKING POSSESSION OF THE FIREARMS ON THE EXPIRATION OF
21 THE ORDER.

22 (2) A LAW ENFORCEMENT AGENCY SHALL TRANSPORT AND STORE
23 ANY FIREARM SURRENDERED OR SEIZED IN ACCORDANCE WITH AN ORDER UNDER
24 THIS SECTION:

25 (I) IN A PROTECTIVE CASE, IF ONE IS AVAILABLE; AND

26 (II) IN A MANNER INTENDED TO PREVENT DAMAGE TO THE
27 FIREARM DURING THE TIME THE ORDER IS IN EFFECT.

28 (3) A LAW ENFORCEMENT AGENCY MAY NOT PLACE ANY MARK ON A
29 SEIZED OR SURRENDERED FIREARM FOR IDENTIFICATION OR OTHER PURPOSES.

10 (III) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, ON
11 REQUEST OF THE RESPONDENT, A LAW ENFORCEMENT AGENCY SHALL RETURN ALL
12 FIREARMS BELONGING TO THE RESPONDENT NOT LATER THAN 48 HOURS AFTER
13 THE EXPIRATION OF AN ORDER UNDER THIS SECTION.

1. **SELL OR TRANSFER TITLE TO THE FIREARM TO:**

A. A LICENSED FIREARMS DEALER; OR

2. REQUEST THE DESTRUCTION OF THE FIREARM.

24 (II) A LAW ENFORCEMENT AGENCY SHALL TRANSFER
25 POSSESSION OF A FIREARM OR AMMUNITION TO A LICENSED FIREARMS DEALER OR
26 AN INDIVIDUAL DESCRIBED IN SUBPARAGRAPH (I)1B OF THIS PARAGRAPH ONLY
27 AFTER:

8 (I) THE INDIVIDUAL PROVIDES PROOF OF OWNERSHIP OF THE
9 FIREARM; AND

10 (II) THE LAW ENFORCEMENT AGENCY DETERMINES THAT THE
11 INDIVIDUAL IS NOT PROHIBITED FROM POSSESSING THE FIREARM OR AMMUNITION.

15 (I) NO PARTY SHALL HAVE THE RIGHT TO ASSERT OWNERSHIP
16 OF THE FIREARM; AND

17 (II) THE LAW ENFORCEMENT AGENCY HOLDING THE FIREARM
18 MAY DESTROY THE FIREARM.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2026. It shall remain effective until the taking effect of the termination provision
21 specified in Section 3 of Chapter 704 of the Acts of the General Assembly of 2024. If that
22 termination provision takes effect, this Act shall be abrogated and of no further force and
23 effect. This Act may not be interpreted to have any effect on that termination provision.